United States Court of Appeals

for the Second Circuit

APPELLANT'S BRIEF & APPENDIX

76-6178

BRIEF and appendix

DOCKET NO. 76-6178

Norman M. Campbell, A U. S. citizen taxpayer
engaged in private enterprise et al

B

P/S

PAGINATION AS IN ORIGINAL COPY

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DOCKET NUMBER 76-6178

Norman M. Campbell, A U. S. citizen taxpayer
engaged in private enterprise.
plaintiff-appellant

vs

F. David Matthews, Secy. of HEW and
Housing and Urban Development.*

Town of Colonie, William K. Sanford, Supervisor
defendants-appellees

* Carla D. Hills now Secretary of Housing & Urban Development,;
represented by same attorney.

BRIEF FOR NORMAN M. CAMPBELL
APPELLANT PRO SE

Case no. 76-CV-293, U. S. District Court for the Northern District of New York State. Dismissed Sept. 20, 1976, with prejudice, on motion of Town of Colonie that complaint fails to state claim against Town of Colonie upon which relief can be granted, and because the U. S. District Court lacks jurisdiction over the subject matter. Honorable James T. Foley, Judge, given at Albany, N. Y. and Appealed as a miscarraige of justice, the contract upon which the Condemnation and seizure , rather intended seizure predicated being unenforceable because injurious to appellant's private enterprise, whether intentionally or otherwise; wasteful of both the local taxpayer money involved with application for 75% U. S. taxpayer funding; and affidavits supporting the necessity for the particular contract being misleading and false, whether intentional or otherwise; whereby the performance of this contract will be an injustice to appellant and all taxpayers involved and an encouragement to further invasion of corporate upon the rights of private enterprise

---

STATEMENT

This Appeal and the Complaint is based on the Fourth Amendment to the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects from unreason-

able searches and seizures shall not be violated.

To effect the entry upon and seizure of a United States citizen's property and enterprise as right of eminent domain and public interest when, in fact, it is a scheme to enlarge the tax base by higher property valuation, plus personal profit to local elements of the political structure without proper regard to the rights of the owner and enterprise and monies involved of taxpaying citizenry, is injurious of the political structure itself; safety of persons, papers, and property, the public interest.

And the psychology was deplored on pg 3 pg 20 of Amended Complaint, and it's consequence pointed out on following p 4, pg 21 and confluence of corruption and persecution resulting portrayed on the following pages to p 7 pg 31 where summation of proof of wasteful practice and evident injurious intent. Page 8 pg 34 named the Federal statute under which claim for relief was stated. There was no denial other than prejucice. A preconceived judgement.

Appellant holds Judge Foley's decision was clearly erroneous in that the Federal court holds jurisdiction, a proper claim for relief was stated, and the prejudice of the subject matter reversed.

In that the sewer service was originally founded on the belief the Federal taxpayer would assume 75% of the consideration involved of the performance of the contracts, and the Complaint against this particular Salt Kill Project, Contract 2, Sky View Drive Laterals, Case no. 76-CV-293 having been filed before the Condemnation under state laws by Supreme Court of the State of New York by a citizen of the United States whose interests are endangered; therefor the Federal Court holds jurisdiction, and superior to State.

In further detriment to the general good; presuming Health, Education, and Welfare, and Housing and Urban Development the subject matter; the origin of urbanization was the Comfort provide to exchange values in safety; barter and trade; from which sprang the Graces and the Muses; the education upon which civilization advanced principally by ownership of home, family, and fireside, and the responsibilities of upkeep, but unfortunately with growth of trade the growth of centers of population with extremes of luxury and poverty with attendant evils of upkeep and policing from which suburban and rural

are normally free by the norm of individual ownership of home, family, and firesided with responsibilities of upkeep where crime and policing and corruption are seldom the serious problems of the urban.

High rise and multifamily units presently the modern face of tenements and tenants that required the urban services, enlarge the tax base, but not so conducive to love thy neighbor as thyself. Appellant notes his former property of three acres of farm land adjacent to the intended sewer line is now in the hands of a developer by an unlawful tax sale seizure which enlarged the tax base as shown on p 7 of Amended Complaint.

As with the Federal, New York State has a Constitution, as also it's local communities, structures of law and order, where Federal judges fear to tread because fools rush in, and the impersonal tower of Justice, or higher realm, becomes confounded of the lower realms of the personal struggles to get there of the body politic; seemingly founded on the capacity of the tax base where the Board of Assessors determine the values relative to requirements of payment of public services where the division lies of service or servant of the state and may alter the status of public official from public servant to the opposite and cost the iniative of private enterprise where the independence and self reliance of a nation x springs; the willing heart.

And the problems inherent of urbanization from it's inception are noticeable in the opening exhibit of this Brief where Assessor Wagner finds himself in the coils of the serpent of the judgement tree of Eve's seed, Am I my brother's keeper? Because the compulsory use, rather future use compulsory sanitary sewer tax is expected to be tripled by 75% Federal; failure to pay which compulsory sanitary sewer tax results in foreclosure and a seizure by tax sale; hardly an incentive to free enterprise and economy. Appellant trusts the Court will find the legal structure of Town of Colonie upon which performance of Salt Kill Project, Contract 2, Sky View Drive Laterals predicated is by an invasion under the Condemnation Law of the State of New York upon the Fourth Amendment to the United States Constitution which guarantees the right of security of person, papers, and property from unreasonable seizures, and will grant plaintiff-appellant's petition to declare the contract null and void and return of costs of the action

TABLE OF CONTENTS

328 N. Eighth St.
St. Petersburgh, Fla. 33701
December 9, 1975

Mr. Edward L. Wagner
Town of Colonie Assessor
Town Hall
Newtonville, N. Y.

Dear Sir:

This is in regard to the property listed on Town of Colonie tax rolls azs 573 Columbia St., Norman M. Campbell; being originally a part of Matthew Johnson farm, the which divided to his sons, Tracy and Edward; this part the northern end of Tracy's cornfield, purchased after Columbia Street, Cohoes, was extended through the Fonda and Johnson farms; being something more than five hundred feet of frontage on the northern side of the road and eight feet deep at eastern end, angling to about one seventy five deep measuring on the inward angle of westernend; the Niagara-Mohawk Power Corporation having taken two seventy five foot widths of right of way by questionable condemnation proceeding in 1958 through the western end at an angle which claimed the depth of the property; twp power lines were erected; respectively to Rotterdam, claimed to be 60.000 volts and Latham, 34,500; the furthest western is in view of the inclosed photograph; which you may see passing the high tension wires from the pole in right foreground, over the spruce trees at rear of property line; the western end of which at beginning of deciduous trees which mark the western boundary of the property. I feel positive these wires pass about thirty to forty feet from said western boundary, leaving the entire western part unbuildable, since building regulations render unsafe of a fifty thousand dollar single family residential zoning with 34,500 volts passing overhead close by, and 60, 000 more alongside.

Howerer, I am being charged a fourteen dollar levy for future sewer use as a buildable property; having been told at Town Hall last Spring that the western end of property divided by the condemnation comprised a 100 ft. frontage and 50 ft. at rear; the Niagara Mohawk Power Corp. Right of Way Representative having been requested to mark the boundaries of the rights of way has failed to do so; whether the Town engineer or Niagara-Mohawk engineer is at fault or mistake is a problem which must be resolved of themselves, if the lady who informed me at Town Hall property records office is correct; but in any case, it is a simple matter to stop at the property and convince yourself what I am telling you is correct, and the fourteen dollar assessment as buildable property is mistakenly levied in a fifty thousand up, single family zoning district. Please advise.

Sincerelymyours,

Norman M. Campbell

Page 1

TOWN OF COLONIE

TOWN HALL

NEWTONVILLE, NEW YORK

BOARD OF ASSESSORS

January 8, 1976

Mr. Norman M. Campbell
825 No. 8th St.
St. Petersburg, Fla. 33701

Dear Mr. Campbell:

In answer to your letter dated December 9, 1975 regarding your property at 573 Columbia St., Town of Colonie, may I state that I have inspected the situation and have ruled to remove the A unit sewer charge for the 1977 roll and the property will be charged D unit sewer charge at 10¢ per unit.

As no complaint was made before or at the sewer hearing held by the Town of Colonie in October 1975 regarding the charge, I can not, under the law, remove the charge on your present bill.

Very truly yours,

Edward L. Wagner

ELW/liw

on the South and the property of Emma J. Johnson (Reputed Owner) on the North; thence along the above last mentioned division line the following two (2) courses: North 73 deg. 34 min. East 20± feet to an angle point; thence South 32 deg. 20 min. East 9± feet to its intersection with the above mentioned highway boundary; thence South 58 deg. 05 min. East 264± feet along the said above mentioned highway boundary to the point or place of beginning.

PARCEL NO. T. E. 22/1-B

Being a strip of land generally 10 feet in width lying Northwesterly of, parallel to and contiguous with the Northwesterly boundary of Columbia Street, State Highway No. 9280 and being bounded on the Northeast by the lands of Niagara Mohawk Power Corporation (Reputed Owner) and on the West by the lands of Emma J. Johnson (Reputed Owner) and being approximately 114 feet in length.

The above described temporary construction easements, Parcels No. T. E. 22/1-A and T. E. 22/1-B, are to be extinguished upon the completion of the installation of the sanitary sewer main and its appurtenances.

It is further agreed and understood that the party of the second part shall direct and require its contractor to restore and replace the property of the party of the first part that is disturbed during the installation of the sanitary sewer line to its original condition, including, but not limited to, topsoil, seeding, shrubbery, trees, fences and driveways.

SALT KILL NORTH - CONTRACT 2-SKYVIEW DRIVE LATERALS
PROJECT NO. 01.07.1185

EASEMENT

THIS INDENTURE made this day of 1976, between NORMAN CAMPBELL, party of the first part and the TOWN OF COLONIE, a municipal corporation located in the County of Albany, State of New York, party of the second part,

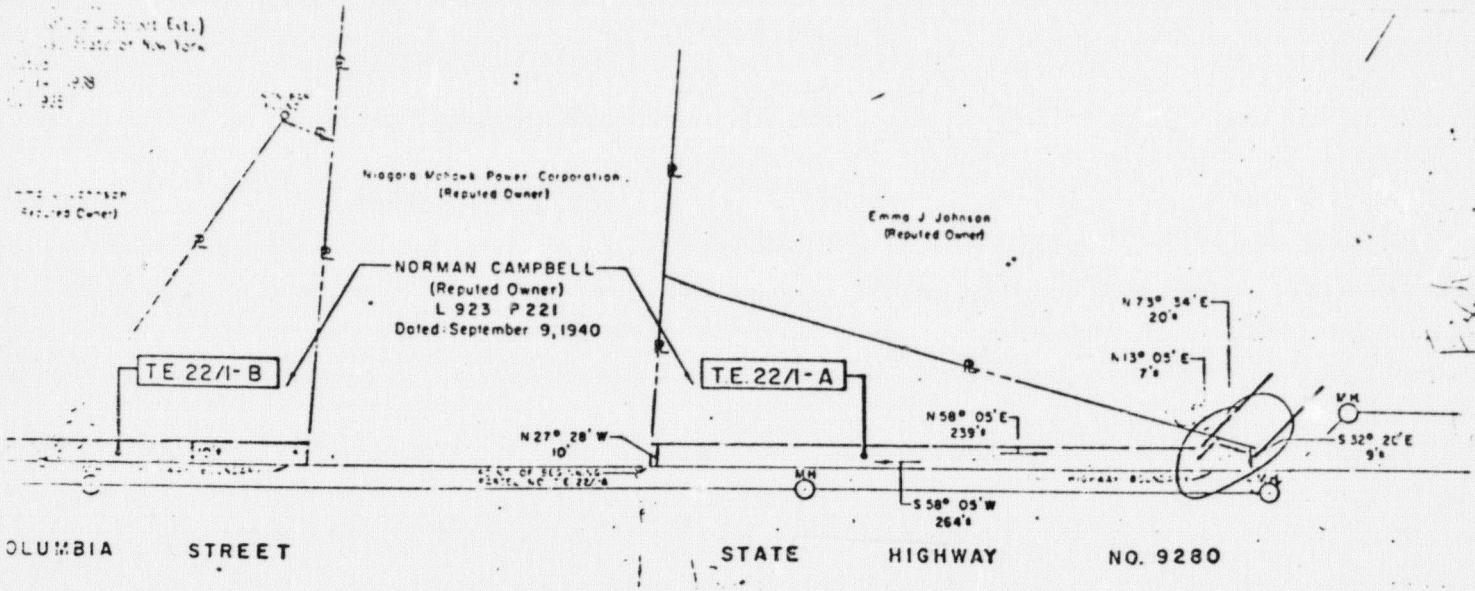
WITNESSETH: That the party of the first part in consideration of $1.00 to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby grant unto the party of the second part, its successors or assigns, temporary construction easements or rights of way to be exercised in, on or over the hereinafter described parcels for the purpose of a work area to be used in connection with the construction of a sanitary sewer main and its appurtenances and for depositing fill and spoil. Said temporary construction easements being more particularly bounded and described as follows:

All those tracts, pieces, or parcels of land situate in the Town of Colonie, Albany County, New York, being a portion of land conveyed to NORMAN CAMPBELL by Deed dated September 9, 1940, and recorded in the Albany County Clerk's Office in Book 923 of Deeds at Page 221, and also as shown on a Map entitled "Proposed Easements, Lands Now or Formerly of NORMAN CAMPBELL To Be Granted to the Town of Colonie," made by C. T. Male Associates, P.C., dated March 1, 1976, being further bounded and described as follows:

PARCEL NO. T. E. 22/1-A

BEGINNING at a point at the intersection of the Northwesterly boundary of Columbia Street, State Highway No. 9280 with the division line between the property of the party of the first part on the Northeast and the property of Niagara Mohawk Power Corporation (Reputed Owner) on the Southwest and runs thence from said point of beginning North 27 deg. 28 min. West 10± feet along the above mentioned division line to a point; thence through the lands of the party of the first part the following two (2) courses: North 58 deg. 05 min. East 239± feet to a point; thence North 13 deg. 05 min. East 7± feet to a point on the division line between the property of the party of the first part

4



DATE	DESCRIPTION	APPR

SALT KILL NORTH-CONTRACT 2
SKYVIEW DRIVE LATERALS

NORMAN CAMPBELL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NORMAN M. CAMPBELL, :

Plaintiff :

vs. :

F. DAVID MATTHEWS, Secretary of Health, Education and Welfare and Housing and Urban Development, Town of Colonie, William K. Sanford, Supervisor, :

Defendants :

CIVIL NO. 76-CV-293

NOTICE OF MOTION TO DISMISS COMPLAINT

TO: HON. JOSEPH R. SCULLY
Clerk, U.S. District Court
U.S. Post Office & Court House
Utica, New York 13503

NORMAN M. CAMPBELL
Attorney pro se
573 Columbia Street
Cohoes, New York 12047

JAMES M. SULLIVAN, JR.
United States Attorney
Northern District of New York
Attorney for Federal Defendants
U.S. Post Office & Court House
Albany, New York 12207

SIRS:

PLEASE TAKE NOTICE that upon the annexed Affidavit of HOLDEN C. GUTERMUTH, JR., Deputy Town Attorney of the Town of Colonie, sworn to on the 14th day of September, 1976, and upon all the papers filed and proceedings had herein, Town of Colonie and William K. Sanford, Supervisor, by their attorney Robert P. Heywood, Esq. (Holden C. Gutermuth, Jr., Esq. of counsel), will move this Court at a Motion Day thereof, to be held in the United States Post Office & Court House, Albany, New York, on September 20, 1976, at 10:00 a.m., or as soon thereafter as counsel can be heard, for an Order dismissing the Complaint herein, against the federal defendants, with prejudice and

costs, in accordance with Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, on grounds that the United States District Court lacks jurisdiction over the subject matter of this action and the Complaint fails to state a claim upon which relief can be granted, and granting such other and further relief as the District Court deems just and proper.

Dated: September 14, 1976

ROBERT P. HEYWOOD, ESQ.
Town Attorney
Town of Colonie
Memorial Town Hall
Newtonville, New York 12128

BY: Holden C. Gutermuth Jr.

HOLDEN C. GUTERMUTH, JR.
Deputy Town Attorney
Town of Colonie

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NORMAN M. CAMPBELL,

Plaintiff

vs.

F. DAVID MATTHEWS, Secretary of Health, Education and Welfare and Housing and Urban Development; Town of Colonie, William K. Sanford, Supervisor,

Defendants

CIVIL NO. 76-CV-293

AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS COMPLAINT

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

HOLDEN C. GUTERMUTH, JR., being duly sworn, deposes and says:

1. That I am Deputy Town Attorney of the Town of Colonie and I am of counsel to Robert P. Heywood, Esq., attorney for William K. Sanford, Supervisor, and make this Affidavit in support of their motion to dismiss the Complaint filed herein against them.

2. That the Complaint filed herein fails to comply with Rule 8(a)(1) of the Federal Rules of Civil Procedure in that this pleading does not "contain a short and plain statement of the grounds upon which the court's jurisdiction depends," that the U.S. District Court is a court of limited subject matter jurisdiction and the burden rests upon the plaintiff in establishing that jurisdiction, Vorachek v. United States, 337 F.2d 797 (8th Cir. 1964), and that there are no grounds alleged in this pleading under which the court's jurisdiction might arise.

3. That the Complaint filed herein fails to comply with Rule 8(a)(2) of the Federal Rules of Civil Procedure in that this pleading does not contain a "short and plain statement of the claim showing that the pleader is entitled to relief," and that this pleading alleges no comprehensible facts dealing

with any acts of the Town of Colonie or William K. Sanford, Supervisor, or any other employees, officers or agents which might entitled the plaintiff to injunctive relief.

WHEREFORE, deponent respectfully requests that the United States District Court enter an Order, dismissing the Complaint herein, against the Town of Colonie, and William K. Sanford, Supervisor, with prejudice and costs, and granting such other and further relief as the Court deems just and proper.

Holden C. Gutermuth Jr.

HOLDEN C. GUTERMUTH, JR.

Sworn to before me this 14th day of September , 1976.

Marilyn A. Hull

NOTARY PUBLIC

MARILYN A. HULL
Notary Public, State of New York
Residing in Albany County
Commission Expires March 30, 1978

U. S. DISTRICT COURT
N. D. OF N.Y.
FILED Copy
OCT 4 1976
AT ... O'CLOCK ... M
J. R. SCULLY, Clerk
ALBANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NORMAN M. CAMPBELL, Plaintiff	CIVIL NO. 76-CV-293
vs.	ORDER
F. DAVID MATTHEWS, Secretary of Health, Education and Welfare and Housing and Urban Development, Town of Colonie, William K. Sanford, Supervisor, Defendants	

This cause came on for hearing on September 20, 1976, on defendant Town of Colonie's motion to dismiss the action because the complaint fails to state a claim upon which relief can be granted and because the United States District Court lacks jurisdiction over the subject matter of this action, and the court having heard the argument of counsel and being fully advised, it is

ORDERED that the defendant Town of Colonie's motion to dismiss the action because the complaint fails to state a claim against defendant Town of Colonie upon which relief can be granted, and because the United States District Court lacks jurisdiction over the subject matter, be granted, and that the complaint be and it is hereby dismissed with prejudice.

Dated: October 4, 1976.

10

/s/ James T. Foley
UNITED STATES DISTRICT JUDGE

Norman M. Campbell
573 Columbia St.
Cohoes, N. Y., 12047
Plaintiff in propria persona

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Case No. 76-CV-2[illegible]

Norman M. Campbell, A U. S. citizen taxpayer engaged in private enterprise
plaintiff

vs

F. David Matthews, Secy. of HEW & Housing & Urban Development.
Town of Colonie, William K. Sanford, Supervisor
Defendants

COMPLAINT

PLAINTIFF NOTES the Communist polity is based on state ownership and service of the citizen to the state and that of these United States upon private and individual of free enterprise in which the state, by reason of it's original institution for the general good, should be at the service of the citizen. Plaintiff further notes , courts were instituted for protection of the weaker against the stronger. Plaintiff further notes Eminent Domain has become the magic password giving the razzle dazzle to the rising generation of public service.

In the matter of Salt Kill North-Contract 2-Sky View Drivelat-
erals Sewer Project, Town of Colonie, County of Albany, State of
New York. To the best of plaintiff's knowledge and belief, this
project is under the hand of Secretary Matthews by reason of par-
tial government funding, whereby the U. S. taxpayer and courts are
concerned, especially plaintiff, over whose land and through whose
melons and strawberries and other garden produce beds, said Town of
Colonie, Sanford, Supervisor will ruin for the purpose; promising
to replace as formerly; how is a mystery; the razzle dazzle being
necessary to the public interest; whereas the fact, privat enter-
prise of septic tank and sanitary systems has served the prudent
householder of the district for years without risk of a strike or
cessation of sanitary system worker to endanger and hazard the families'
and childrens' health. C. T. Male and Associates, the engineering
firm in possession of the contract deposes that plaintiff refusing
offer of a dollar a foot ($378,00), the frontage of the land where
the value for growing crops lies, has caused his firm, by reason
of plans drawn, to be forced to jump from from one parcel to ano-
ther with machinery and equipment; whereby immediate possession by
eminent domain is sought; plaintiff notes if private enterprise
competed on that basis where plans are made without forethought of
cost on the assumption eminent domain and the taxpayer will foot it
the country will soon go Communist. The other side of Columbia St.
has only half as many houses.

Think of just
Compensation

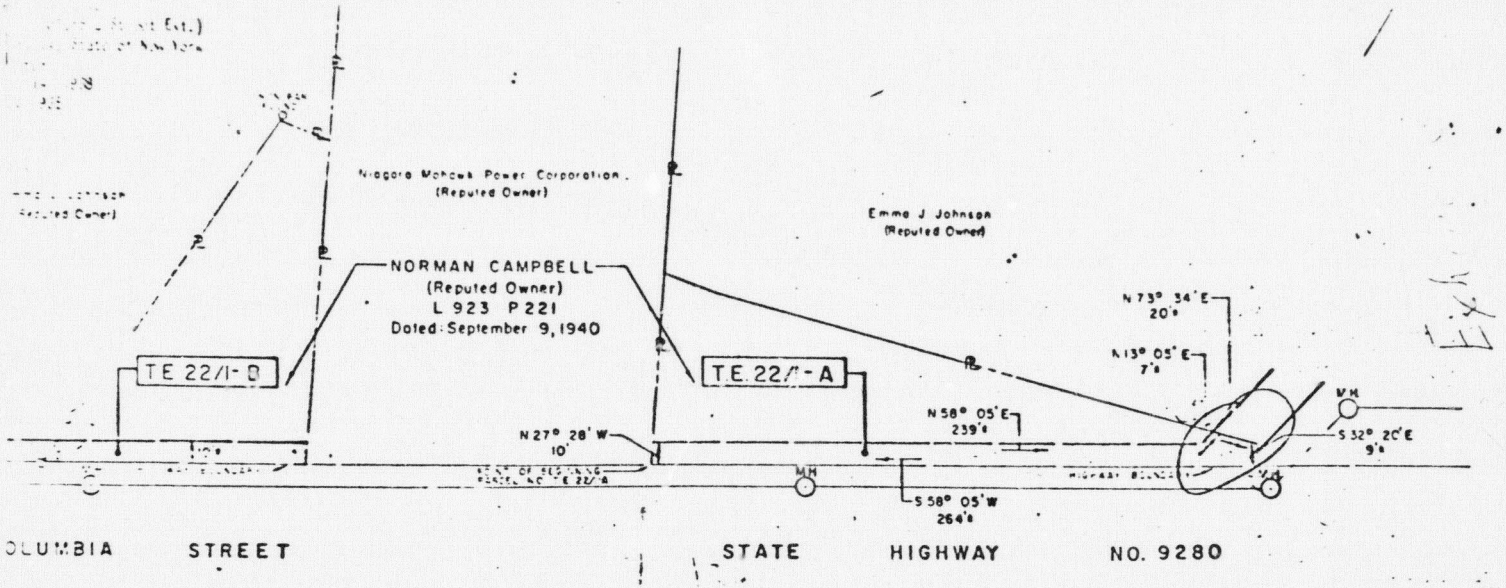
//

think of Just Compensation and the fees legal gentlemen will view at taxpayer cost; and plaintiff entreats the Court that it will consider plaintiff Campbell's melons iin contest against what must hardly be other than the public melon.

Plaintiff petitions the Court it should recommend to Secretary Matthews a closer inspection of the rising razzle dazzle of eminent domain and the public melon as an encroaching possibility of the philosophy of service of the citizen to the state. It alters the status of public official from public servant to the opposite. One presumes the Court can do little more, since it is the duty of the defendants to preserve the public purse and the iniative of private enterprise where independence and self reliance of the nation springs . Plaintiff complains Sky View Drive Laterals in it's present presentation is plaintiff's best knowledge and belief it's a waste of U. S. taxpayer money, trusting further investigation by the Secretary will reveal it so. Plaintiff is also inclined to belief an animosity exists toward himself, due to a former action in this court in which certain defendants in the district, one of which Town of Colonie, were taken to task; a comparison drawn of the ancient Egyptian economy of Tut Ankh Amen and that of William K. Sanford. Plaintiff petitions the Court also, defendants shall pay the cost of this action. Let's have a new heaven and earth begin in Newtonville, N. Y., the home of Colonie Memorial Town Hall.

Exhibit attached.

Norman M. Campbell



LICENSED PROFESSIONAL ENGINEER
CHARLES T. WALL, JR.

DATE	DESCRIPTION	APPR

SALT KILL NORTH - CONTRACT 2
SKYVIEW DRIVE LATERALS

NORMAN CAMPBELL

BEST COPY AVAILABLE

Norman M. Campbell
573 Columbia St. Extension
Cohoes, N. Y. 12047
Plaintiff in Propria persona

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
OF TE

Case No. 76-CV-293

AMENDED COMPLAINT

Norman M. Campbell, A U. S. citizen and taxpayer
plaintiff

vs

F. David Matthews, Secretary of HEW
& Housing and Urban Development
Town of Colonie, William K. Sanford, Supervisor.
defendants

In 1940 plaintiff purchased from Tracy Johnson the land now known as 573 Columbia St., the title being warranted forever, as per Exhibit A attached

About 1950, perhaps later, said Johnson sold land across the road to a party named Mack, it bordering a creekbed or including same at east end, and a trailer park established thereon.

In 1958, Wm. A. Hubbs, Right of Way Representative of Niagara Mohawk Power Corporation Contacted Charles Johnson, son of Emma Johnson, widow of Charles, Senior, brother of Tracy, to whom the dother half of Matthew Johnson farm divided; said Hubbs requesting to buy land for right of way for power line; said land to the north of that Tracy sold to plaintiff. Mr. Johnson refused, telling him to take it up the creek bed, which was unfit for cultivation and unused at the time. Said Hubbs then requesting to buy the most valuable part of plaintiff's property for right of way, was was refused out of hand, being told plaintiff had no intention to sell.

About July 1 or later. Town of Colonie, William K. Sanford, Supervisor, sent two Town of Colonie policemen, who entered upon plaintiff's property without warrant, provocation, or reasonable cause, merely on orders, who beat up plaintiff and forced into police car and ran to Albany County Jail with further threats and abuse; plaintiff being ignorant of Constitutional right was not apprised of such, but was sent to State Mental Hospital in Pou Keepsie under the New York State Laws of Mental Hygiene. These policemen were sent at behest of trailer park proprietor across the road upon telephoned information that was imagined and false, plaintiff being in pursuit of his peaceful and lawful business, and shortly thereafter, Wm. A. Hubbs

THIS INDENTURE made the 9th day of September Nineteen Hundred and forty BETWEEN TRACY JOHNSON and CORA JOHNSON his wife, residing at R. F. D. 1; Cohoes Town of Colonie, County of Albany, New York, parties of the first part and NORMAN CAMPBELL residing at 22 Maston Avenue, City of Cohoes, County of Albany, New York, party of the second part

WITNESSETH that the parties of the first part, in consideration of FOUR HUNDRED FIFTY Dollars($450.00) lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the party of the second part, his heirs and assigns forever all that tract or parcel of land, situate in Town of Colonie, Albany County, New York commencing at a state road monument located at the intersection of the westerly line of the farm lands of Tracy Johnson as laid down on a map entitled "Map of Portion of Farm of Matthew Johnson Harmon M. Smith C. E. Mechanicville N. Y. Scale 100 feet to an inch (undated), and the northerly line of the state highway locally known as "Columbia Street Extension", running thence northerly at an interior angle of 53 degrees 40 minutes 186.3 feet, to a stake at angle in fence, running thence at an interior angle of 104 degrees 44 minutes 204.0 feet to a stake at angle in fence, running thence at an interior angle of 185 degrees 42 minutes 244.5 feet to an ald stump, running thence at an interior angle of 105 degrees 54 minutes 8.3 feet to the north line of the above mentioned highway, running thence westerly along the northerly line of the highway 533.4 feet to the place of beginning as shown on map "Tracy Johnson to Norman Campbell "Columbia Street Extension town of Colonie, Sept. 6, 1940 Scale 1 in. 60 feet, John E. Byron C. E."

being a part of the premises heretofor conveyed to the parties of the first part hereto by Mary E. Johnson by deed dated October 3, 1918 and recorded October 4, 1918 in the Albany County Clerk's Office in Book 675 of deeds at page 417.

Being a part of the premises conveyed by Matthew Johnson and Margaret Johnson his wife to Edward J. Johnson and Mary E. Johnson, his wife by Warranty deed dated April 10, 1897 and recorded in the Albany County Clerk's Office on the 13th day of April, 1897 in Book 472 of Deeds at page 461. No building or structure shall be erected by the party of the second part as vendee or grantee or his assigns on the above described premises in a sum less than $200. The restrictive provision herein contained shall constitute a covenant running with the land.

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, his heirs and assigns forever.

AND said parties of the first part covenant as follows:

FIRST. That said parties of the first part is seized of said premises in fee simple and have a good right to convey same.

SECOND That the party of the second part shall quietly enjoy the said premises.

THIRD That the said premises are free from incumbrances;

FOURTH That the parties of the first part will execute or procure any further necessary assurance of title to said premises;

FIFTH That said parties of the first part will forever warrant the title to said premises.

15 Exhibit A

purchased from Tracy Johnson, or perhaps during the interval, and without plaintiff's knowledge, the former cornfield, almost the last of the farmland on which Tracy Johnson paying taxes, although farm taxes; Tracy being now incapacitated by age and rheumatism, and Hubbs being witting and knowing, as was Johnson, that the sale was unlawful, being for right of way to cross cross the road and enter upon and through plaintiff's property, title to which he had warranted forever; then to enter upon that of Emma Johnson, who through her son Charles, had told Hubbs to take it up the creek bed through trailer park property. This sale was consumated unlawfully by both parties in knowledge it was to gain possession by Condemnation Law of the State of New York by Niagara Mohawk Corp in defiance of the warranted title; being unlawful by intent to do injury to a third party; a contract must have time, place, meeting of minds, consideration, and a legal object; lacking which, amounted to a conspiracy to defraud; Exhibit B, 1,2,3, attached, notarized by Wm. A. Hubbs and filed in Albany County Clerk's Office July 29, 1958; $4950 as per revenue stamps; plaintiff having been divested by falsehood and brutality, of the Constitutional rights Supervisor Sanford of the domestic corporation of Town of Colonie of the State of New York had sworn to uphold, was now stowed away in Albany County Jail or New York State Mental Hospital as mental incompetent without legal right, and taxes had risen on the former cornfield by about $4500 with prospect of

more by Condemnation Law of State of New York under the right of Eminent Domain known as public interest by immediate possession of land of Norman Campbell rather than up the creek bed and through that of the trailer park paying far larger taxes; plaintiff was committed to said state hospital at Poughkeepsie by the Supreme Court of the State of New York; Louis J. Lefkowitz, Attorney General, and Attorney for said Hospital, it's Director, and legal competence of theose committed as incompetents; his duty to guard the interests against the predatory; courts being establish- to protect the weaker against the stronger; especially private interest from corporate, the nation having been founded on private enterprise and hoping to continue superior to Communistic enterprise with state ownership and service of citizen to state; being (Communistis) something of comparitive of the system of feudalism and it's service of feuds; nowadays public interest is the watchword known as Eminent Domain, but in reality and practice usually the revenue collectible by City Hall; plaintiff corrects the mistake above that taxes had risen on the former cornfield by about $4500 to valuation had risen.

And a new Town Hall was in prospect; the old one a wooden hostelry of Albany-Saratoga Post Road and later Prohibition days; Colonie expanding and suburbanizing, and Governor Rockefeller ev-

/b

This Indenture,

[illegible]

[illegible]

[illegible]

Exhibit D1

17

[illegible]

[illegible]

[illegible]

TRAVIS JOHNSON and DORA JOHNSON

53

Exhibit 53

Exhibit 53

idently determined to gain the Presidential Chair and outdo the services to the nation of such families as the Roosevelt and Kennedy and ring down the roll of history as bulwark of free enterprise, and Albany and environs is most certainly a good place to start, considering Democrat Franklin Roosevelt got his there; Albany city and Cohoes and Watervliet are Democrat, and except Green Island,Town of Colonie is the rest of Albany County, and Republican, and taxes were doubling, tripling, and quadrupling due to rising costs of welfare, mental hygiene and education; President Roosevelt had established the payroll tax and social security to reform the inequalities of a monetary system which cultivates greed and love of money as the dominant instinct of survival of the fittest, and with the rise of the Communist philosophy after WWI and debacle of Great Depression among free enterprise economies which culminated in WWII and it's lesson of the folly of war to correct human ills and it seems to have instilled the premise it's merely a matter of revenue to city hall and lawmakers to enact laws designed to correct or alleviate human ills as being evils outside the human rather than inside where instinct and emotion and desire springs and dominates survival by the fittest; and the curiousity develops of a civilization where leadership depends on the cultivation of the greedy instinct to promote the alleviation of human ills by the system of extraction from the private purse to swell the public for the purpose; and the thereby education as being the public interest to gain the power of corporate enterprise that may levy the extraction rather than the opposite of the individual that will look within itself to correct by means of own enterprise and effort and power of thought and set example of free will and willing heart and foster the independent spirit of liberty, fraternity, equality rather than cultivate it's dominantwellspring of gain; Possession, the greed.

And at a special term of Albany County Court Sept. 29, 1958, Richard E. Herrick, being duly sworn, the Attorney for Niagara Mohawk Power against Norman Campbell; a petition for Condemnation to acquire certain land of defendant; tat Petitioner-Plaintiff attempted to have a copy served on defendant Norman Campbell, but was advised said defendant was a patient at Hudson River State Hospital at Poughkeepsie, N. Y. Upon information and belief said defendant has never been judicially declared to be incompetent. That the source of information and grounds for this belief are statements made to deponent by William A. Hubbs who advised your deponent that on Sept. 4, 1958 (This deposition given Sept.5,), he went to Hudson River State Hospital and talked with L. M. Chapman, Special Agent at the Hospital, who advised him, said William A. Hubbs, that said Norman Campbell was a patient at the Hospital, that he had not been declared incompetent by any court but that his mental condition was such that it was not advisable for Mr.

120

Hubbs to see or talk with said Norman Campbell or serve any paper on him. That no previous application etc., etc, WHEREFOR deponent prays an order be made requiring four copies on Dr. Robert C. Hunt, Director of the Hudson River State Hospital. Thereby notifying Attorney General Lefkowitz to appear as per sworn duty to protect the interests of private vs the corporate in process of expansion.

BUT, in Liber 352, page 303, of which the foregoing was a continuation ; Special Term of Albany County Court, Judge Martin Schenck presiding: Upon reading and filing the affidavit of Richard E. Herrick and affidavit of S. O. Shamberger, and the 8 day notice of Motion which has been duly served upon the defendant herein, and proceedings heretofor had, and etc, etc, Town of Coboonie, Albany County, purpose of installing, maintaining and operating an electric transmission line thereon; plaintiff be permitted to enter immeiately on the property, and etc., and etc,,,. and it appearing therefrom that the public interest demands construction without delay, and the plaintiff having appeared herein by Richard E. Herric, it's attorney and State Senator Julian B. Erway of Counsel, and the defendant not having ~~been/heard~~ appeared, being stowed away in Poughkeepsie without benefit of Constitution right, and having heard Senator Erway, Esq. of Counsel for the plaintiff, NOW, ON MOTION of Richard E. Herrick, it is ordered and adjudged that public interests will be prejudiced by the delay, etc., etc., and even the judge sworn to uphold the Constitution, and in knowledge of the fraud perpetrated as public interest is corrupted by it, he having given the order for Attorney General Lefkowitz to appear in behalf of defendant, very probably in belief money is Just Compensation for human ills; and Herrick knowing Hubbs testimony was as phoney as himself, and the Senator as lawmaker of Mental Hygiene Law knowing it to be false; it must be obvious the leadership sets example for public corruption Exhibit O, 1, 2, 3, 4, 5. Plaintiff notes Columbia is the S tree t; and S is the symbol of the judgement tree , rather symbol of the serpent of the judgement tree in the Garden of Eden; the tree of knowledge of good and evil; the other tree being in the mi ds t, where d is from Delta, the triangle of decision where the instincts and emotions well as the tree of life. In te res t, where T is the symbol of the M use; Ad am, the M an.

Plaintiff notes Mr. Sanford has given affidavit Town of Colonie; domestic corporation of State of New York, William K. Sanford, Supervisor, the moving spirit; and plaintiff further notes that C. T. Male has given affidavit that the supposed sanitary sewer as Contract 2, Sky View Drive Laterals; Salt Kill Sewer Project is in good engineering practice to relieve a public health hazard due to failures of presumably Sky View Drive

At a Special Term of the
Albany County Court held in and for the
County of Albany at the Albany
County Court House in the
City of Albany N.Y. on the
29th day of Sept., 1958.

Present: HON. MARTIN SCHENCK, Albany County Judge

P

COUNTY COURT ALBANY COUNTY

94860

NIAGARA MOHAWK POWER CORPORATION,

Petitioner - Plaintiff

LIBER 352 PAGE 303

-against-

NORMAN CAMPBELL,

Defendant

Upon reading and filing the affidavit of Richard E. Herrick, verified August 22, 1958, the affidavit of S. O. Schamberger, verified August 22, 1958, and the 8-day Notice of Motion which has been duly served upon the defendant herein, and upon the proceedings heretofore had, from which it appears that said proceeding is one for the condemnation of certain lands belonging to the defendant herein named, situate in the Town of Colonie, Albany County, New York, for the purpose of installing maintaining and operating an electric transmission line thereon, and application having been made herein for an order directing that the plaintiff be permitted to enter immediately upon the real property to be taken and described in said petition and to devote the same temporarily to the public use specified in the petition, upon deposit with the Court, by depositing with the County Treasurer, such sums as may be fixed by the Court in the manner provided under Section 24 of the Condemnation Law, and it appearing therefrom that the public interest demands that the electric transmission line described in the petition be constructed without

~~Exhibit C pg 1~~

Exhibit B3 pg 1

~~76-CV-233~~

76-CV-293

22 Exhibit C 1

delay, and the plaintiff having appeared herein by Richard E. Herrick, its attorney, State Senator Julian B. Erway, of Counsel, and the defendant not having appeared, ~~for~~ ~~the defendant~~ _____, and having heard Julian B. Erway, Esq., of Counsel for the plaintiff, on behalf of this motion,

NOW, ON MOTION of Richard E. Herrick, attorney for the plaintiff, it is

ORDERED AND ADJUDGED that the public interests will be prejudiced by the delay in the construction of said electric transmission line over the property mentioned in the petition and that the plaintiff be and it hereby is authorized and directed until the further order of this Court to enter temporarily into possession of the premises and rights described in the petition in condemnation herein upon depositing with the Court, by payment of the same to the County Treasurer of the County of Albany of the sum of $ 5000 to the credit of this proceeding, to be applied in accordance with the provisions of Section 24 of the Condemnation Law of the State of New York.

Enter

ALBANY COUNTY JUDGE

07584

~~Exhibit C, P9~~ 2

~~Exhibit B3 P1~~ 2

~~73-CV-233~~ 2

76-CV-293

23 Exhibit C 2

COUNTY COURT ALBANY COUNTY

NIAGARA MOHAWK POWER CORPORATION,

Petitioner-Plaintiff

-against-

NORMAN CAMPBELL,

Defendant

STATE OF NEW YORK)
County of Albany) ss.:

EDWARD M. RADLIFF, JR., being duly sworn, deposes and says, that he resides at 11 Leach Avenue in the City of Albany, New York, and is over the age of twenty-one years; that on September 9, 1958, he delivered to Doctor Robert C. Hunt, Director of the Hudson River State Hospital at Poughkeepsie, New York, four (4) copies of the petition in condemnation and notice of presentation, Notice of motion and supporting affidavits in the above entitled matter, by leaving the same with Margaret C. Killackey, Property Clerk at said hospital.

Edward M. Radliff Jr.

Sworn to before me this

24th day of September, 1958.

Martha M. Smith

MARTHA M. SMITH
Notary Public, State of New York
Qualified in Albany County
My Commission expires March 30, 1960

~~Exhibit C~~ pp

~~Exhibit B~~ pp

76-CV-293

Exhibit C

STATE OF NEW YORK

COUNTY COURT ALBANY COUNTY

NIAGARA MOHAWK POWER CORPORATION,

Petitioner-Plaintiff

-against-

NORMAN CAMPBELL,

Defendant

STATE OF NEW YORK }
County of Albany } ss.:

RICHARD E. HERRICK, being duly sworn, deposes and says:

1. That he is the attorney for the Petitioner-Plaintiff in the above entitled proceeding.

2. That this proceeding is a proceeding to acquire by condemnation a parcel of land situate in the Town of Colonie, Albany County, New York. A copy of the Petition in Condemnation and Notice of Presentation, Notice of Motion and Supporting Affivits is annexed hereto marked "Exhibit A".

3. That the Petitioner-Plaintiff attempted to cause a copy of the Petition in Condemnation and Notice of Presentation, Notice of Motion and Supporting Affidavits to be served upon the defendant, Norman Campbell, but was advised that said Norman Campbell is a patient at the Hudson River State Hospital at Poughkeepsie, New York.

4. Upon information and belief that said defendant, Norman Campbell, has never been judicially declared to be incompetent. That the source of this information and grounds for this belief are statements made to deponent by William A. Hubbs Right of Way Representative who advised your deponent that on September 4, 1958, he went to the Hudson River State Hospital at Poughkeepsie, New York, and

Continuation, Liber 352 pages 31 + 32

Liber 352 pg 31-32

~~Exhibit B pg 3~~

~~Exhibit B2 pg 1~~

Exhibit C425

talked with L. M. Chapman, Special Agent at the Hospital, who advised him, said William A. Hubbs, that said Norman Campbell was a patient at the Hospital; that he had not been declared incompetent by any Court but that his mental condition was such that it was not advisable for Mr. Hubbs to see and talk with said Norman Campbell or serve any paper upon him.

5. That no previous application has been made for the relief herein sought or for similar relief.

WHEREFORE, your deponent prays that an order be made requiring four (4) copies of the Petition in Condemnation and Notice of Presentation, Notice of Motion and Supporting Affidavits in this proceeding to be delivered on behalf of the defendant, Norman Campbell, to Dr. Robert C. Hunt, the Director of the Hudson River State Hospital at Poughkeepsie, New York, who shall look after the interests of the defendant in this proceeding, and that service of the Petition in Condemnation and Notice of Presentation, Notice of Motion and Supporting Affidavits upon said defendant shall not be deemed complete until so delivered.

Richard E Herrick

Sworn to before me this

5th day of September, 1958.

HAROLD H. WHITE
Notary Public State of New York
Qualified in Albany County
My Commission expires March 30, 1959

Continuation, Liber 352, Pages 31-32

~~Exhibit B pg 1~~

Liber 352 pg

~~Exhibit B2~~ pg 2

76-CV-293

26 Exhibit C

systems; the which is far fetched, if not false; and plaintiff further notes it was not in the original of the Salt Kill Project plans submitted for Federal funding; according to the lady replying from Town Engineer's office at Wade Road, but a later for which application for 75% funding was being made to Washington; HEW & HUD; and plaintiff presents Exhibit D, in which Paul G. Van Buskirk found it expedient to resign from Cohoes politics of his position of Planning Director in which the handling of Federal monies; and it is public record that Supervisor Sanford recommended his hiring to Colonie Town Council for the ability to fill in the forms issued by the agencies or bureaus that pass on the giving of Federal funds to municipalities, and obviously hired for that reason; the which is and was a questionable in view of his resignation from the Cohoes job. C. T. Male and Associates were engaged in contracts of Cohoes Urban Renewal and Mr. VanBuskirk very probably instrumental in the award.

Mr. VanBuskirk is nephew of now deceased Walter Wertime, former Albany County Republican Party Chairman and President and Legal Counsel of Cohoes Savings Bank, and his Chairman of the Board is President and Treasurer of Geo. F. Wertime Co. and another nephew was Cohoes Corporation Counsel, and the Wertime interests profited greatly on sales of properties to Cohoes Urban Renewal which were tainted so badly with corrupt politics that one of them made public print by lease to a private corporation and sale to Urban Renewal at the same time for the same property. Plaintiff brought Town of Colonie, William K. Sanford and Mayor Virginia B. McDonald of Cohoes into Federal Court along with Secretary Matthews and sundry other defendants concerned, and had prepared to carry his cause to U. S. Supreme Court in another matter relative until discovery that it would have been folly, upon receipt of the transcript by Official Court Reporter Hiram J. Sheffer Jr. who gave affidavit it was a true and accurate account at a charge of $31.50 that I was behind bars in dirty old clothes, and a couple of physicians came in, and they got a bunch of repofters in there, and you know what reporters are, and some of them have honest views, and they sent me down to Poughkeepsie for six months, and I have got a record of being mentally incompetent; and plaintiff certainly would have been to carry on to Supreme Court; and although U. S. Attorney James Sullivan Jr for that Federal Court claims in th present case it has no jurisdiction although it draws forty thouand a year and must contribute a nice slice of it to plenty of HUD's political corruption and the public in te res t of the T re e in the mi ds t; Mr. Sheffer replaced the word records with reporters, and plaintiff speculates on Mr. Sullivans petition to the court for prejudice and costs in present case, since plaintiff can hardly but feel prejudice exists against the lowly pro se in the legal profession; plaintiff presents Mr. Sheffer's

27

THEIR SMEAR CAMPAIGN

DESPITE THE FACT THAT HUNDREDS OF COHOSIERS INCLUDING CLERGY, BUSINESS, NON-PROFIT ORGANIZATIONS AND DEDICATED INDIVIDUALS HAVE WORKED TO MAKE OUR SOCIAL ACTIONS PROGRAM SUCCEED AND DESPITE THE FACT THAT OUTSTANDING PEOPLE SUCH AS CONGRESSMAN SCHEUER AND SARGENT SHRIVER HAVE PRAISED THESE PROGRAMS: HARRA, ROURKE AND COMPANY WILL ATTEMPT TO SMEAR, DEGRADE, & MISREPRESENT THESE FINE PROGRAMS. THIS IS THEIR SOLE CONTRIBUTION TO THE CITY OF COHOES.

.....NOTICE TO SMEARERS.....

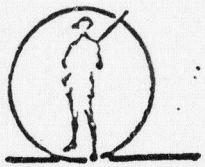
THE HATCH ACT PERTAINS TO NATIONAL & STATE PARTIES

PLEASE READ BELOW

SECTION 12 OF THE HATCH POLITICAL ACTIVITIES ACT OF 1939, AS AMENDED, APPLIES TO THOSE OFFICERS AND EMPLOYEES OF A STATE OR LOCAL AGENCY WHOSE PRINCIPAL EMPLOYMENT IS IN CONNECTION WITH FEDERALLY FINANCED ACTIVITIES. SUCH PERSONS ARE PROHIBITED FROM TAKING AN ACTIVE PART IN POLITICAL MANAGEMENT OR IN POLITICAL CAMPAIGNS THAT ARE IDENTIFIED WITH A NATIONAL OR STATE POLITICAL PARTY, SUCH AS THE DEMOCRATIC OR REPUBLICAN.

"WE ARE SELLING PROGRESS -- NOT PROPAGANDA & SMEAR"

VOTE CITIZEN . VOTE ROW F



ALL-AMERICA CITY

KEEP COHOES "ALL AMERICA"

SUPPORT THE CITIZEN SLATE

IN DAYS GONE BY — This 1967 Citizens Party flyer, which says "Ordered by Paul G. Van Buskirk" at the bottom, explains the party's position on the Hatch Act at the time: that it applied only to major parties.

The Wertime nephew

VanBuskirk '71 Role Drew Hatch Act Violation Scrutiny

By DONNA HALVORSEN

COHOES — Paul Van Buskirk, who has accused several Citizens Party members with violating the Hatch Act, was himself investigated last year for a possible violation of the act.

However, according to an attorney for the federal Civil Service Commission which looked into a complaint against Van Buskirk, the evidence presented did not warrant bringing charges against him and "we closed the matter."

Peter Skoro, who said he will be in Cohoes in about two weeks to begin an investigation into alleged violations, also said he doesn't anticipate that the previous investigation will be reopened, contrary to published reports Thursday.

That investigation was made after Van Buskirk managed [illegible] for Virginia B. McDonald [illegible] campaign in 1971 at a time when he was serving as director of the Planning and Development Agency.

Questioned about the scope of the upcoming inquiry in Cohoes, Skoro said it was spurred by the complaint from Van Buskirk's attorney and will be limited to the charges made in it.

The Hatch Act places restrictions on the political activities of persons whose salaries are paid with federal funds.

James Cuva, Citizens Party chairman and assistant urban renewal director who is one of the persons named in attorney Francis J. Carroll's complaint, said Thursday he is "looking forward to the investigation.

"I still am firm in my belief that I am not in violation," he said, "and I welcome the investigation of someone in authority to let me know whether there is a violation of the act."

Cuva said he considers the act to be unconstitutional and he may decide to challenge it in the courts, even though the cost of such a challenge might be beyond his means.

"I don't see why the little people should have to sit idly by and just take it," he said.

Several Citizens Party members have said they have relied in the past on the judgment of Van Buskirk as a party leader that the act only applies to major party candidates.

A 1967 party flyer, which says, "Ordered by Paul G. Van Buskirk, Chairman, Cohoes Citizens Committee" at the bottom, contains a section headed, "Notice to Smearers.....The Hatch Act Pertains to National & State Parties."

It continues: "Section 12 of the Hatch Political Activities Act of 1939, as amended, applies to those officers and employees of a state or local agency whose principal employment is in connection with federally financed activities. Such persons are prohibited from taking an active part in political management or in political campaigns that are identified with a national or state political party, such as the Democratic or Republican."

Van Buskirk was in Binghamton Thursday speaking to a group of businessmen and could not be reached for comment on his apparent change of position on the act, but he suggested to a reporter in a previous interview that interpretation of the statute has changed.

Skoro said that if the initial investigation in Cohoes determines that any of the charges are warranted, the first step will be the drafting of a letter of charges to be presented to the individual involved for a response.

The Commission would then review the response and determine whether to proceed with the investigation, he said.

Though a violation could result in removal from a federally funded job, Skoro said there have been cases which have been closed after an employe decides to cease his political activity. He said he was not suggesting that that could happen in Cohoes.

If an individual does not agree with the commission's determination, Skoro said, he could challenge it on his own initiative in the federal district court.

Ex 116 b

Ex 116 A5. 28

#5

about. The protection of life, liberty, and property. How can the statute of limitations apply to those? Property was taken away from me on restraint in the mental hospital, and I had no recourse, but now I found that witness that proves it was unlawful, and I want to get him in court and have his testimony shown, and get the property back.

THE COURT: Is this the case against Niagara Mohawk that you are talking about now?

MR. CAMPBELL: Yes, 233, but this isn't entered as any double jeopardy, but to get rid of that law -- that is, I don't expect you are going to -- that is, the court is going to issue an order to get rid of those laws. But those are completely against the foundation, as I just explained, of the Constitution. They abridge all of those amendments that were raised for the safety of life and limb and property of the citizen.

I had no trial, and a couple of physicians came in, and I was in prison behind bars in dirty old clothes, and they got a bunch of reporters in there, and you know what reporters are, and some have honest views, and they sent me down to Poughkeepsie for six months, and I have got a record of being a mentally incompetent.

Exhibit E

Exhibit E and passes to Mr. C. T. Male's exhibit of good engineering practice to whic he has given sworn affidavit as such, and a sewer line that diverges from a straight line along the highway at an angle of ~~xxxxxxxxxx~~ forty five degrees to a plus or minus distance that will encompass and pass through and destroy the dug well and specially prepared garden beds on it's diagonal return to the straight line is an expensive departure from good engineering practice, and especially so, since it could put plaintiff out of the pursuit of his private enterprise for another year after being twice deprived. In 1964, sabotuers were again harboured in the trailer park by William P. Dawson, a corrupt politician of Cohoes, whose father was Public Works Commissioner for his uncle, Michael T. Smith, the Cohoes end of the O'Connel Albany County political machine which thrived on the illlegal booze and gambling rackets, Dinny Dawson, his brother, was Mike's Corporation Counsel, and gave William P. Junior desk space in the office to operate his illegal numbers game. Mike wanted him to take a nice seven thousand a year job in Albany on the public payroll, but Junior said Nothing Doing. I'm after the big money; and evidently still, having been twice convicted and senteneed in Federal Court, and now owner of the former Delaware & Hudson RR passenger station in which the County OTB gambling establishment in Cohoes. He returned from Strategic Services of CIA in WWII, and established Dawson Detective and Investigative Service with operativesinthe branches

of city and county government, and followed Warren Smith as Public Works Commissioner, another nephew of Mike's who broke in as bartender and manager of Mike's speakeasy in Troy all through Prohibition, and on Repeal it was moved to Remsen St. Cohoes, and Warren succeeded William P. Dawson, Sr. to P WCommissioner and Mike to Chairman of Cohoes Democratic Party, and he made his boast in my brother's son in law's grill that it took Mike twenty five years to get his, but he was going to get it in five, and he made his son Warren Junior, Treasurer of the Board of Education, and Walter Burke, the son of a Dentist Mike put in the cush as deputy on County Coroner payroll as Commissioner of Education; and plaintiff took pains to tell them publicly that they were ignorant; and it must be obvious from the above, their example of the Cohoes Education, that it is. Columbia is the S tree t, the way of the T pian tree of the P tian tree of Eve's see d, the W o m an; where W is the double V. Ye shall not surely die, but be as gods, knowing good and evil. Warren drove me off Columbia Street twice, but I'm back but seventy one years of age, and anoterh year, afflicted as I am with arthritis , could close the ability to once more become established, and the saboteurs are again in the trailer park, but considerably less damaging that formerly,having brought the proprietor to this court last year, and she's wary of her customers, but would

30

be glad to see me off Columbia Street, as I feel sure William K. Sanford, Supervisor and his legal gentlemen. In 1964 Warren again succeeded in stowing me in Poughkeepsie, but it proved to be instrumental of gaining somewhat of legal education, although another three acres of farmland purchased from Tracy Johnson in 1943 was placed in rem due to the fact Town of Colonie, William K. Sanford, ~~Sanford~~, Supervisor, and Attorney General Lefkowitz failed to notify the Committee appointed by Supreme Court of the State of New York, who was paying the taxes regularly, there being plenty of money in the bank as estate money; and although Thresa B. Cook knew it was unlawful, as Albany County Treasurer she sold the property of the ward of the court taken in rem and confiscated while money availed for the court to pay. Thresa, rather Theresa made a private sale to a party named Apollos, listed at the address 6 Pine St., directly in back of Albany City Hall, as a developer; it's right across the courtyard in back of Court of Appeals, just out the basement door of County Courthouse and across the courtyart and across Pine St. and you're at No. 6, and the price $2600 for a deed that's mostly imaginary, but it went on Colonie Tax Roll and Mr. Sanford appreciates more revenue to Town Hall.

The purpose of the recitation of the foregoing is to show to the Court the general issue involved of a scheme to deter plaintiff from lawful pursuit of the re establishment of his private - enterprise on the Columbia Stfeet Extension by the use of false representations contained of the affidavit of C. T. Male Jr.; Exhibit F1 + F2 good engineering practice, public health hazard, necessary of immediate possession; necessary as outfall of Sky View Drive systems that have failed, whereas they were inspected and passed by Albany County Health Department and Town of Building ratherColonie Building Inspector and are in good service, but the householder's women thinks they're getting sewer service for freenot realizing the burden of taxation and vulnerability to organized unions of persons rather than the free enterprise of private enterprise. This sewer line as mapped of herewith final Exhibit G will carry the bulldozers and backhoes over the dug well that supplies water and the specially prepared beds for close cultivation and dig and dump the hardpan to ruin cultivation for a long period; the deviation shown is not sensible except for the purpose; in regard to Just compensation: There are twenty nine dwellings on the north side, the south side only nineteen excepting the trailer park which requires only replacement of drive. On the north side where the hill rises from Columbia Street to the homes on Sky View Drive the land is considerably higher than the south side, and more depth of sewer with consequent of work and expense, due to necessity of liquid matter to run downhill from facilities draining under the road to

31

SUPREME COURT COUNTY OF ALBANY

TOWN OF COLONIE,

Petitioner,

- against - AFFIDAVIT

NORMAN CAMPBELL

Respondent

STATE OF NEW YORK:
: SS.:
COUNTY OF ALBANY :

CHARLES T. MALE, JR., being duly sworn, deposes and says that he is a duly licensed and practicing engineer under the laws of the State of New York having an office for the practice of his profession at 3000 Troy Road, Schenectady, New York, and is associated with C. T. Male Associates, P.C., engineers for the SALT KILL NORTH - CONTRACT 2 - SKYVIEW DRIVE LATERALS Sewer Projec Town of Colonie, County of Albany, State of New York.

That deponent has participated with other members of said firm in the preparation of plans for the sewer system for the sai project an deponent is familiar with the design of said system, and that the same has been planned in accordance with good engine ering practices.

The construction schedule for the sewer system for said project is such that it is necessary for the members of deponent's firm and the contractor's firm to be permitted at the earliest possible date to go upon the lands of the Defendant for the purpo of performing all functions necessary to complete the sewer syste of said project. Unless immediate temporary possession is obtain ed of the property in question, the contractor's firm will be unnecessarily delayed in the progress of the construction of the sewer line which constitutes an essential component to the servic of this sewer improvement area. Such delays are entailed by the contractor being forced to jump from one parcel of land to anothe with his machinery and equipment rather than being able to work in one continuous line.

Exhibit F

Exhibit "B"

(PRINT NAME BELOW SIGNATURE)

It should also be noted with great importance that this line will provide the only outfall for the conveyance of sewage from the sewer system of said project area to the North Treatment Plant - Albany County Sewer District via the Salt Kill Trunk Sewer, the Dry River Trunk, and Hudson River Interceptor, said treatment plant being an existing facility located in Menands, New York. It is of the utmost necessity that this sewer line be installed and work completed to allow for sewer connections in the District in order to provide relief for the residents of the District from the effect of the sewage discharge of individual systems. These systems have continued to fail, such failings resulting in a health hazard.

Deponent is informed and verily believes that delay in the acquisition of these rights-of-way and easements will prejudice the construction schedule of the entire sewer line project known as SALT KILL NORTH - CONTRACT 2 - SKYVIEW DRIVE LATERALS Sewer Project, Town of Colonie, County of Albany, and State of New York.

Charles T. Male, Jr.

Charles T. Male, Jr., P.E. & L.S.

Sworn to before me this
22nd day of June, 1976.

Notary Public

JUDITH M. CRUICKSHANK
Notary Public, State of New York
Residing in Albany County
My Commission Expires March 30, 1977

76-CL-293

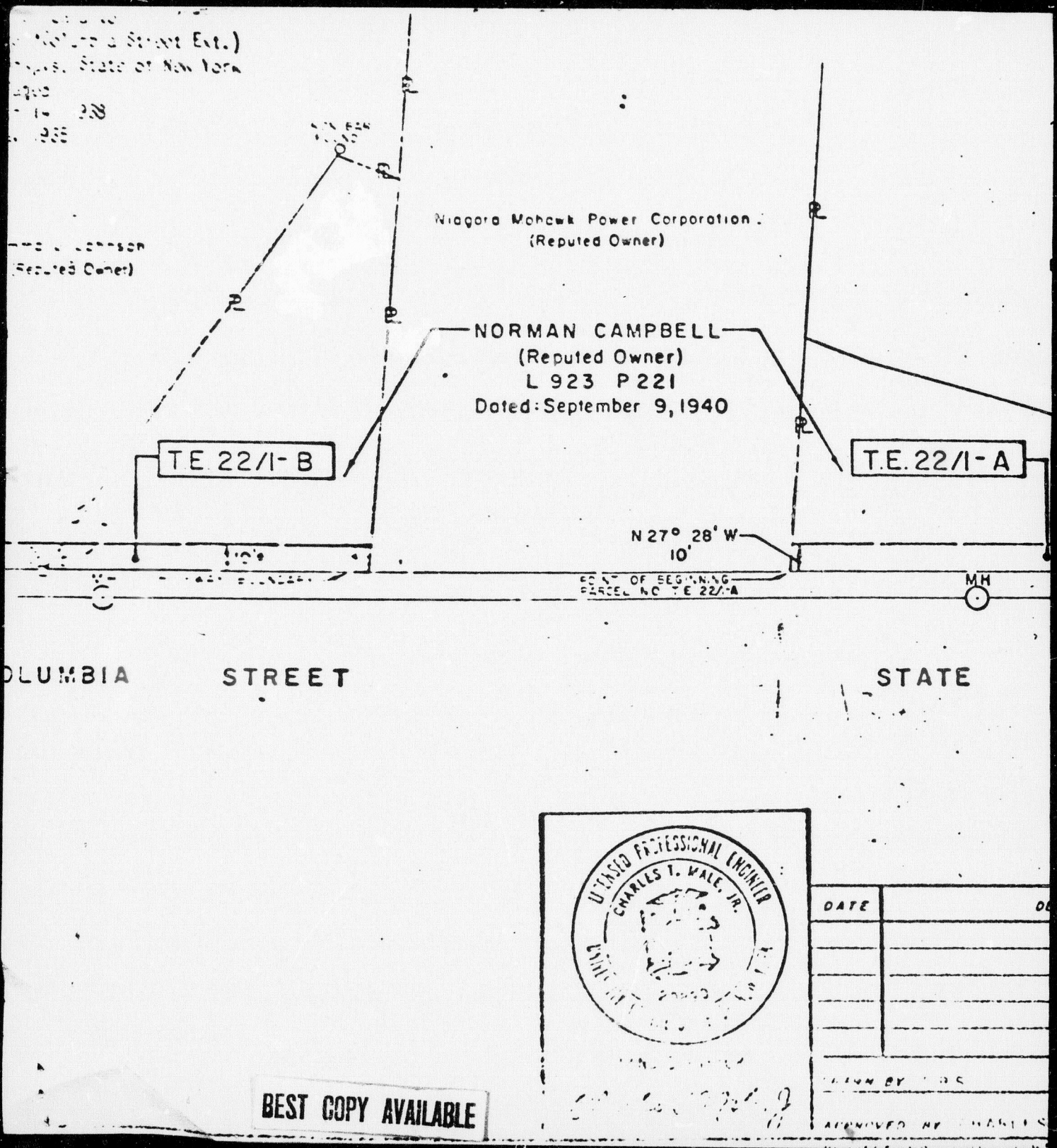
Exhibit F2

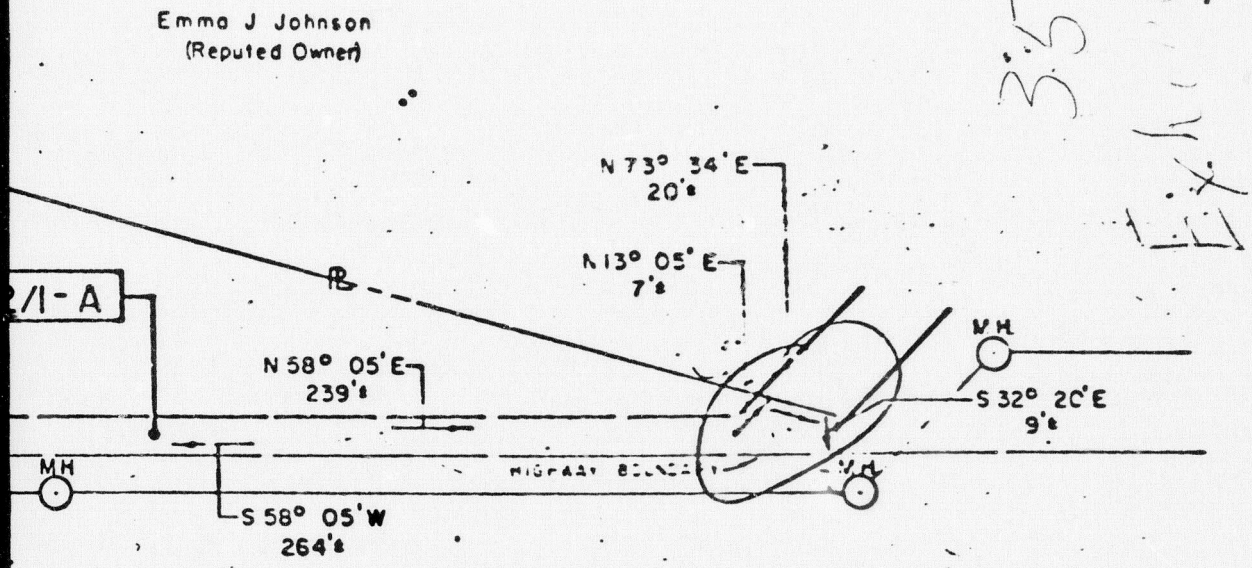
(PRINT NAME BELOW SIGNATURE)

a sewer line on the north side. Plaintiff notes FCA. Title 18, Chapter 47, Fraud and False Statements, Section 1001. Statements or entries generally.--Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years , or both. (June 25, 1948, c.645 Sec. 1, 62 Stat. 749.)

While this Complaint and Amendment is made under Civil Law, and plaintiff realizes the failings which very probably prompted defendants; nevertheless the Court must realize it is a serious offense to waste,particularly his own money, on sewers that are not sanitary in the final analysis. Supervisor Sanford was told by letter, if he was determined of a sewer line, why not take it down the other side of the road through Niagara Mohawk and trailer park property. Plaintiff petitions the Court it declare Contract 2, Sky View Drive Laterals, Salt Kill Sewer Project null and void for the reason that it is not truly necessary.

Norman M. Campbell





TE HIGHWAY NO. 9280

SALT KILL NORTH - CONTRACT 2
SKYVIEW DRIVE LATERALS

DESCRIPTION	APPR.

PROPOSED EASEMENTS
LANDS OF
NORMAN CAMPBELL

CHECKED BY

29 Second St.
Albany, N. Y. 12207
December 2, 1976

A Daniel Fusaro, Clerk
U. S. Court of Appeals
Second Circuit
Foley Square
New York, 10007

Dear Sir:

Herewith inclosed proof of service, Brief of Docket No. 76-6178, Norman M. Campbell, A U. S. citizen taxpayer engaged in private enterprise et al; U. S. Attorney for Northern District N. Y. and Holden C. Gutermuth for Town of Colonie, William K. Sanford, Supervisor; return receipts to A. Daniel Fusaro.

Very truly yours,

Norman M. Campbell

No. 450586
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO James L Willers Jr
STREET AND NO. US Attorney
P.O. STATE AND ZIP CODE Fed Bldg Utica NY
POSTAGE $ 101
CERTIFIED FEE 60 ¢
SPECIAL DELIVERY ¢
RESTRICTED DELIVERY ¢
SHOW TO WHOM AND DATE DELIVERED 25 ¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY ¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY ¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY ¢
TOTAL POSTAGE AND FEES $ 186
POSTMARK OR DATE
DEC 2 1976

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES
RETURN RECEIPT SERVICE

Docket No. 76-6178

PS Form 3800, Apr. 1976

No. 45058
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO William K Sanford
STREET AND NO. Town of Colonie
P.O. STATE AND ZIP CODE Attn Holden C Gutermuth
Town Hall Newtonville
POSTAGE $ 101
CERTIFIED FEE 60 ¢
SPECIAL DELIVERY ¢
RESTRICTED DELIVERY ¢
SHOW TO WHOM AND DATE DELIVERED 25 ¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY ¢
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY ¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY ¢
TOTAL POSTAGE AND FEES $ 186
POSTMARK OR DATE
DEC 1976

CONSULT POSTMASTER FOR FEES
OPTIONAL SERVICES
RETURN RECEIPT SERVICE

Docket No. 76-6178

PS Form 3800, Apr. 1976